

District Judge Daybook Entry

United States District Court - Southern District of West Virginia at Beckley

Date: 2/28/2013

Case Number 5:12-cr-00220

Case Style: USA vs. David C. Hughart

Type of hearing Plea Hearing

Before the honorable: 2516-Berger

Court Reporter Lisa Cook

Courtroom Deputy Kierstin Tudor

Attorney(s) for the Plaintiff or Government Steven Ruby

Attorney(s) for the Defendant(s) Michael Whitt & **John Anderson

Law Clerk Jacquelyn Jones

Probation Officer Jeff Gwinn

Trial Time

Non-Trial Time

Plea Hearing

Court Time

9:58 am to 10:59 am

Total Court Time: 1 Hours 1 Minutes Non-Trial Time/Uncontested Time

Courtroom Notes

Scheduled Start 10:00 a.m.

Actual Start 9:58 a.m.

Defendant present in person and by counsel.

Counsel note appearances on the record. (**John Anderson appearing as CJA Training Panel attorney)

Defendant placed under oath.

Court FINDS Defendant competent to go forward.

Mr. Ruby summarizes plea agreement.

Court DEFERS acceptance of plea agreement but ORDERS original plea agreement filed.

Defendant waives reading of Information.

Defendant pleads guilty to charges in Information.

Defendant advised of right to be indicted.

Defendant executes waiver of indictment; same witnessed by counsel.

Court ACCEPTS waiver of indictment.

Court reads statute with which Defendant is charged.

Defendant advised of elements of offense which Government would have to prove at trial.

Defendant gives his account of the offense.

Government provides a proffer re: factual basis for the plea.

In camera portion of hearing held.

Defendant advised of the penalties which may apply based upon the plea.

Defendant advised of right to plead not guilty, to remain silent, and to stand trial.

Defendant executes written guilty plea form; same ORDERED filed.

Court FINDS Defendant is competent and capable of entering an informed plea.

Court FINDS sufficient factual basis for Defendant's plea.

Court FINDS that Defendant understands the consequences of the plea.

Court FINDS that Defendant understands the rights being given up.

Court FINDS Defendant's plea to be voluntary.

Court ACCEPTS plea.

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Court ADJUDGES Defendant guilty.

Sentencing SCHEDULED for June 25, 2013, at 1:30 p.m.

Defendant RELEASED on bond pending sentencing.

Court recessed at 10:59 a.m.